

## **REMARKS**

### **Status of the Claims**

Claims 1-14, 16-21, and 34 are currently pending in the present case. Applicant has canceled claim 15 without prejudice. Applicant has amended claims 8-11 and 13. No new matter is added.

### **Information Disclosure Statements**

The Information Disclosure Statement filed by Applicant on May 24, 2005 has not yet been considered. Applicant brings this Information Disclosure Statement to the attention of the Examiner so it can be properly considered.

Applicant also submits herewith another Information Disclosure Statement to submit new references, for which Applicant requests consideration of as well.

### **Drawings**

Applicant has amended Figures 1 and 2 to correct element 30 to read 32. No new matter is added.

Figure 3 has been amended as supported by the Specification in Paragraph [0051], second sentence, to show a coupling between differential pressure indicator 98 and tank monitor 62. This amendment does not add new matter, as the Specification provides the support for this understanding of one of ordinary skill in the art. Replacement sheets for Figures 1-18 are included herewith.

Figure 16 was objected to for allegedly failing to show several claim elements. Applicant respectfully traverses several of the objections.

Specifically, the Patent Office objected to Figure 16 for allegedly failing to show the placement of the coupling of a pressure sensor to vacuum tubing as recited in claim 5. Applicant notes that Figure 16 shows sensing unit 82 whose interior elements are illustrated in Figure 3. Specifically, pressure sensor 60 is illustrated in Figure 3 as being within sensing unit 82. Furthermore, paragraph [0088] indicates that sensing unit 82 as previously discussed may be connected to vacuum tubing 70 with specific reference to Figures 2-8 for leak detection. To this extent, Figure 16 inherently incorporates Figure 3 of the application and all of the elements

therein. Thus, since Figure 16 incorporates sensing unit 82 of Figure 3 and its corresponding description, Figure 16 effectively shows pressure sensor 60 within element 82. As such, the drawing figures show the claimed pressure sensor.

Figure 16 was further objected to for allegedly failing to show the coupling of a sensing unit controller coupled to the pressure sensor as recited in claim 6. As noted above, Figure 16 shows sensing unit 82, and the text relating to Figure 16 incorporates the subject matter of Figure 3. Figure 3 discloses sensing unit controller 84 positioned within sensing unit 82. Thus, the embodiment of Figure 16 includes the sensing unit controller 84. As such, as previously explained, Figure 16 effectively shows the sensing unit controller 84 as recited in the claims.

Figure 16 was further objected to for allegedly failing to show the coupling of the liquid detection sensor. As noted above, Figure 16 shows sensing unit 82, and the text relating to Figure 16 incorporates the subject matter of Figure 3. Figure 3 discloses liquid detection sensor 94 positioned within sensing unit 82. Thus, the embodiment of Figure 16 includes the liquid detection sensor 94. As such, as previously explained, Figure 16 effectively shows the liquid detection sensor 94 as recited in the claims.

Figure 16 was still further objected to for allegedly failing to show the check valve in the vacuum tubing. The check valve 71 illustrated in Figure 3 is used in conjunction with the sensing unit 82. As previously explained, the embodiment of Figure 16, and particularly the text at paragraph [0088], incorporates the discussion of Figures 2-8. Since the discussion of the embodiment of Figure 16 incorporates the elements of Figures 2-8, the check valve of Figure 3 is incorporated into the embodiment of Figure 16. As such, Figure 16 effectively shows the check valve 71 and the claimed element is shown.

Applicant requests withdrawal of the objection to Figure 16 on these bases.

Figure 16 was still further objected to for failing to show the placement of the venturi in the power head to create the vacuum in the siphon tube. Applicant concurs. Applicant notes that the siphon system of the present invention is described in U.S. Patent No. 6,223,765 (hereinafter the “’765 Patent”), incorporated by reference in its entirety in paragraph [0046] of the application as filed. Applicant has added Figures 17 and 18, corresponding to Figures 8 and 9 of the ‘765 Patent. Applicant has amended the brief description of the drawings to reference the new Figures. Applicant further adds descriptive text copied essentially verbatim from column 6, lines 26-50 of the ‘765 Patent. The changes between the ‘765 Patent and the current application

are made to facilitate differentiating between the reference characters of the '765 Patent and the reference characters of the current application. Specifically, in addition to renumbering the Figures (8 to 17 and 9 to 18), Applicant has added 1000 to the reference characters in the text of the '765 Patent. Thus, if an element was element 168 in the '765 Patent, that element has become 1168 in the current application. As the '765 Patent was incorporated by reference, the addition of this text to the current application does not constitute new matter. Applicant requests withdrawal of the objection at this time.

### **Specification**

Applicant has amended the Specification to alleviate the issues raised by the Examiner in Paragraph 9 of the Office Action mailed May 23, 2005. These amendments do not add new matter, and are clearly within the scope of the teachings as would be understood by one of ordinary skill in the art.

Applicant has also amended paragraph [0073] of the Specification to clarify that the site controller 64 may also be connected to the communication line 81 via communication line 78, as shown in Figure 8. No new matter is added.

As noted above, Applicant has amended the Brief Description of the Drawings to reference new Figures 17 and 18, and Applicant has added descriptive text from the '765 patent to explain the new Figures. No new matter is added.

### **Claims Rejections Under 35 U.S.C. § 112(2)**

The Patent Office rejected claims 8-17 under 35 U.S.C. § 112(2) as being indefinite. Applicant has amended claims 8, 10, 11, and 13 to remove the term "catastrophic" as this term is not required by the teachings of the Specification and to present such claims.

Applicant has amended claim 9 to depend from claim 1.

Applicant has cancelled claim 15, without prejudice, thereby mooting the rejection thereof.

Respectfully submitted,

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